WP(C) 4780/2007

BEFORE

HON’BLE MR.JUSTICE RANJAN GOGOI

As agreed to by the learned counsels for both the parties, final orders are being passed at the motion stage.

The vehicle of the petitioner bearing Registration No. MZ-01 4521 was seized in connection with certain forest offences, which offences, the petitioner contends are trivial in nature. By order dated 20.8.2007 passed by this Court in WP(C) No.3486 of 2007, directions were issued for release of the vehicle of the petitioner subject to fulfillment of the conditions specified in the said order of the Court. According to the petitioner, his financier, i.e., Tata Motor Limited had instructed the petitioner that before taking custody of the vehicle, he should have it examined by a Motor Vehicle Inspector to assess the physical and mechanical condition of the vehicle, failing which the financier will not be, in any way, responsible. The petitioner, therefore, had submitted applications to the Divisional Forest Officer, Karimganj Division, who is presently in custody of the vehicle to arrange for the necessary inspection of the vehicle by a Motor Vehicle Inspector. However, the concerned Divisional Forest Officer, i.e., Respondent No.3 has not responded to the representation/request of the petitioner. Hence the writ petition.

In the facts stated above, the request of the petitioner for an inspection of the physical and mechanical condition of the vehicle by a Motor Vehicle Inspector to assess the damage, if any, while the vehicle remained under seizure has to be considered by the Court as a reasonable request, made in order to protect the petitioner from any possible loss. In such circumstances, I close this writ petition with direction to the District Transport Officer, Karimganj to ensure that the vehicle of the petitioner bearing Registration No.MZ-01 4521, now in the custody of the Divisional Forest Officer, Karimganj, be inspected by a Motor Vehicle Inspector within a period of 7(seven) days from the date of receipt of a certified copy of this order. Once such inspection is completed, a report of the same be made available to the petitioner. Thereafter, it will be open for the petitioner to take custody of the vehicle in terms of the order dated 20.8.2007 passed by this Court in WP(C) No.3486 of 2007.

This will dispose of the writ petition.